

Carers UK's response to the BEIS Carer's Leave consultation

Contents

Summary

Context

- Prevalence of carers and caring
- Benefits to carers, employers, economy and health and social care
- Take up rates and impact on employers
- Global competitiveness

Carers UK view on the proposal/response to Consultation questions

Summary

Carers UK welcomes the Government's proposals to introduce 5 days Carer's Leave for employees in paid employment, as a vital step in helping both business and families providing care to disabled, older and ill relatives and friends to continue working.

Whilst Carers UK recognises that the proposal will deliver positive benefits, we believe this would be even more effective if the leave was paid. We also believe that Government should commit to staged increases to 10 days paid leave, with a longer period of unpaid leave of up to six months.

We have strong evidence that Carer's Leave:

- helps unpaid carers to juggle work and care;
- provides benefits for business in retaining skilled employees;
- positively changes workplace culture to be more family friendly and inclusive;
- helps support the NHS and social care more broadly.

We believe that during and post COVID-19 this is more important than ever for families, businesses, and the economy. At a time when the NHS and social care system are under extreme pressure, family support has been relied on more than ever.

Context

Carers and employment is a core stream of Carers UK's work and has been for decades dating back to the early 1990s. Our primary objective has been to ensure that carers are able to maintain employment for as long as possible, whilst also working with employers to look at the business benefits of supporting carers and seeking out good practice where we find it. We have found that over time, the number of working carers has increased whilst the need for care has also increased along with the age of the population. We have worked with our colleagues across the globe to understand better their policies for working carers and we use this evidence here.

We are pleased that this Government is seeking to introduce a right to Carer's Leave, seeking to deliver on their manifesto commitment. We have been concerned for a number of years that the UK was falling behind globally where other countries had made significant improvements for carers workplace rights.¹

Prevalence and growth in the number of working carers

Carers UK estimates that, pre-pandemic, there were nearly 5 million adults juggling work and unpaid care – 1 in 7 of all workers². Since the crisis, there has been a significant rise in the number of working carers; we estimate that around 2.8 million additional people have started juggling work and care³. The total number of working carers is now estimated to be 7.6 million.

The carer population is not static. Currently, we all have a 50:50 chance of providing unpaid care by the time we are aged 50, but women reach this point much earlier – at aged 46, with men having the same chance aged 57⁴. This means that this policy is likely to have a gender positive effect.

Working carers can struggle to balance their caring responsibilities and paid work. Pre-COVID-19 around 2.6 million people had given up work to care, the equivalent of 600 people a day⁵.

Those aged 45+ were more likely to have given up work to care; 6% compared with either 3% or 4% for younger cohorts, and were more likely to say that their work had been affected negatively – 9% compared with 4% of 18-24-year-old respondents. This is consistent with the age that people are most likely to have a caring responsibility upwards of 45+ to around 64 years of age – prime working years when people are at their most skilled and most at risk of leaving the labour market early with consequences for their future pension contributions.⁶ Carers have told us about their experiences:

"I had to leave full-time paid employment as I had used up all my annual leave and 3 days unpaid carers leave within 3 months of a significant deterioration in my family situation. My GP signed me off sick however my manager challenged this and made it difficult to remain in work".

"I found it impossible to juggle working, even part-time, whilst trying to care for my severely disabled wife and two autistic sons (who are now in their 20's). I had no other option but to give up working to look after them full-time".

COVID-19 has had a significant impact on work in the UK. The continued closure of day services and the challenges of managing and supporting the care of someone vulnerable has added to the pressures for some working carers.

¹ Carers UK (2013) The Case for Care Leave: Families, work and the ageing population

² Carers UK (2020) 'Juggling work and unpaid care: a growing issue'

³ Carers Week (2020) 'Making Caring Visible'

⁴ Y. Zhang, M. Bennett & S Yeandle (2019) Will I Care? The likelihood of being a carer in adult life, London: Carers UK

⁵ Carers UK (2020) 'Juggling work and unpaid care: a growing issue'

⁶ Carers UK, Juggling work and unpaid care, 2019

“Since COVID it is almost impossible to work as all day services are shut and there is no information regarding when they MAY open. Caring has become longer and more intense and other people have been added to your caring role.”

“What we are calling for is dedicated leave for carers where we have the time and space to focus our attentions on the people we care for. This is especially important during the COVID-19 pandemic where people like myself are working from home and can find it hard to juggle work responsibilities and looking after the people we care for, especially if living in the same space.”

Recent research⁷ showed that unpaid carers struggle to balance their caring responsibilities with their work commitments. It found:

- For 72% of working carers, care is additional to full-time paid work
- 44% of working carers reported that they found it difficult to combine their paid employment and caring responsibilities
- A quarter of workers with caring responsibilities have considered giving up their job entirely
- 30% of working carers had reduced the hours they work because of their caring role and 36% had refused a job offer or promotion, or decided against applying for a job, because of their caring responsibilities.
- 28% hadn't talked to anyone at work about their caring responsibilities. Among them, 39% said this was because they did not believe anything would change.
- Only two-fifths of working carers believed their employer was carer-friendly, with more than a quarter failing to discuss their caring role with anyone at their workplace, most commonly because they believed nothing would change if they did.

Benefits to unpaid carers and the people they care for

Carers UK asked carers for evidence about Carer's Leave to gain insights from them about the impact it has and could have. 324 current and former carers, who are currently or have recently been juggling work and care responded.

- Many carers had taken steps to juggle work alongside caring, which was likely to have had a negative impact on their careers. 48% had reduced working hours; 40% had passed up promotion opportunities; 39% had adopted flexible working; 34% had started working part-time; 25% had moved to a different job.
- Carer's Leave is a key tool to support returners who have left the workplace to return to work. 50% of carers said having Carer's Leave would make it easier to return to work after a period of absence. Almost half (40%) of those who had given up work or retired early in order to care, said Carer's Leave would have helped them to stay in employment for longer, had it been available at the time.

There would be significant benefits to the introduction of Carer's Leave; 80% of carers say that additional paid Carer's Leave of between five and ten days would help them to

⁷ https://www.cipd.co.uk/Images/supporting-working-carers-1_tcm18-80339.pdf

juggle work and unpaid care⁸. Most of the public also support the policy; with 89% supporting a right to a short period of time off work to care⁹

Carers highlighted the importance of introducing Carer's Leave. Some working carers highlighted that they are currently relying on the goodwill of their colleagues to manage their caring responsibilities.

"If I need time off I have to rely on good will of colleagues to swap shifts or try and get annual leave at short notice which can be difficult".

Working carers also highlighted that they feel guilty and stressful having to take annual leave and change shifts to manage.

"I currently work 2 days a week and find hospital appointments clashing with work days very stressful. I feel guilty about asking to swap days or take time off and guilty not being able to attend appointments. A policy that allowed me unpaid leave would be so good. I don't think my employer is aware or understands what a caring role is like."

"On odd occasions I have taken unpaid leave to attend urgent appointments e.g. Hospital/ PIP appointments/Social Worker appointments. I feel guilty asking for the time, my fear is that it paints me as an unreliable worker. As far as possible, I try to change appointments to fit around work. Over the past 7 years I have also cared for both of my parents, this was extremely difficult to do whilst working full time and led to exhaustion and illness."

Many working carers are reliant on using annual leave to manage their caring responsibilities, making it even harder for them to find time to focus on their own health and wellbeing.

"It's tough. I have asked for special leave in the past and been denied it. One year I had to take 3 weeks of my annual leave just for various appointments/issues it would be nice if some of this was covered to allow me to take time off for me!"

"My employer encourages me to make use of annual leave and dependency leave where emergencies arise to manage my caring responsibilities, however specific carers leave would be invaluable. Being able to take specific carers leave for my role as a carer would enable me to distinguish between time for myself and my own personal wellbeing (i.e. annual leave) and time required as a carer."

Some carers told us that the introduction of a Carer's Leave policy could start a discussion with their employers and increase understanding of the challenges of balancing work and care.

"I think there is a definite shortfall in understanding a carer's needs. I know that employers have businesses to run but the emphasis on being in work/feeling awkward about taking time off etc doesn't help make an already stressful time easier."

⁸ Carers UK (2020) 'Juggling work and unpaid care: a growing issue'

⁹ <https://www.carersuk.org/for-professionals/policy/policy-library/the-case-for-care-leave>

“Having a policy where carers can be identified and then supported with their caring responsibilities, not being made to feel guilty for asking for time to look after someone they care for.”

Former working carers highlighted that without having additional leave, juggling work and care took a toll on their health, and they had no choice but to give up work.

“First I got ill myself trying to cope with work and caring and was on long term sick then I had to stop work altogether because I couldn't do both. My employers were sympathetic but essentially couldn't pay someone who wasn't there. I think unpaid carers leave is a good idea.”

One former working carer highlighted they had requested unpaid leave and were denied the request.

“Work were completely inflexible, over 12 years of working for them I requested unpaid carers leave once and was refused. Eventually the stress lead to my health deteriorating and I had to choose between work and my son, so left work permanently after a period of sickness.”

Keeping carers in work has many benefits including improving incomes in the short and longer term, and improving pensions. A Carers UK survey found that of carers who had given up work or reduced their working hours to care, 2 in 5 were around £10,000-£20,000 per year worse off. This fall in income is often accompanied by a sharp increase in household costs as a result of the additional costs of ill-health and disability.¹⁰

The growing gap between income and outgoings can have a long-term impact on family finances, resulting in debt, rapid loss of savings and an inability to contribute to a private pension. It can also be very difficult for carers who have left work to re-enter the labour market when their period of caring comes to an end, particularly if they are in their fifties or sixties.¹¹

For many carers, work provides an important break from caring, improving their wellbeing.

Benefits of Carer's Leave to employers and to business

Employers themselves lose out when carers are struggling to manage work and caring responsibilities. Businesses incur substantial costs in employee absence and workplace stress as staff try to combine work and caring, and when they give up work, businesses bear the costs of recruitment and lost productivity, often after having invested in the training and development of their employees.

Employers are losing talented people in whom they have invested significant time and money. The peak age for caring – 45-64 – is also the point at which people are most likely to have developed the skills employers need to succeed. Losing a member of staff costs business between 1 to 1.5 times the annual salary of a staff member¹².

¹⁰ Carers UK, State of Caring 2011

¹¹ Carers UK, The case for care leave, 2013

¹² Rayton, B., Dodge, T., & D'Analeze, G. (2012). The Evidence: Employee Engagement Task Force “Nailing the evidence” workgroup. Engage for Success.

There is evidence that the impact of staff turnover, absence and stress as a result of juggling work and caring unsupported could be costing UK businesses over £3.5 billion every year¹³, so there are significant savings to be made by better supporting employees to combine work and caring.

Centrica has introduced carer friendly policies, including the right to paid Carer's Leave, which it says has saved the company around £1.8 million per annum in terms of preventing unplanned absences and presenteeism and a further £1.3 million per annum in retention savings.¹⁴

Carers UK's employers forum, Employers for Carers, now has over 220 employer members reaching over 3.5 million employees. We have worked steadily with those companies in membership which offer Carer's Leave, covering retail, banking, public service, insurance and frontline services to gain insight into what they offer, why and what difference it makes. It is this insight, combined with carers' insight and the evidence below on which our response is based.

Benefits to the economy

Helping carers who want to stay in work is not a challenge, but an economic opportunity for business and the UK economy. Analysis by Age UK, building on work by the LSE, has estimated that the value to the economy of carers being able to work is £5.3 billion.¹⁵

Centrica, a founder member of Employers for Carers, estimates that UK companies could save up to £4.8 billion a year in unplanned absences and a further £3.4 billion in improved employee retention by adopting flexible working policies to support those with caring responsibilities¹⁶.

The public expenditure costs of carers leaving paid work have been estimated to be £1.3 billion a year, based on the costs of Carer's Allowance payments and lost tax revenues.¹⁷ However, the true cost through the benefits system may be even greater, as the number of people claiming Carers Allowance has increased every year since its introduction, and carers who have given up work to care and have no other, or low level, household income are also likely to receive other benefits and financial support, including Income Support, Housing Benefit and support with Council Tax. Additionally, there is the lost revenue to the Exchequer through carers' tax and pension contributions. These costs are reflected in the Department for Work and Pensions' estimate that the benefit to the Exchequer of a randomly selected person¹⁸ who would otherwise have claimed jobseeker's allowance moving into employment would be approximately £9,800 per annum.¹⁹

¹³ www.carersuk.org/for-professionals/policy/policy-library/care-leave-impact-on-business

¹⁴ <https://www.centrica.com/news/carers-uk-and-centrica-announce-new-partnership-improve-lives-carers>

¹⁵ Age UK, Care in crisis: more than £5.3 billion wiped from the economy (2012)

¹⁶ <https://www.centrica.com/news/carers-uk-and-centrica-announce-new-partnership-improve-lives-carers>

¹⁷ <http://blogs.lse.ac.uk/healthandsocialcare/2012/04/25/dr-linda-pickard-public-expenditure-costs-of-carers-leaving-employment>

¹⁸ The estimate provided assumes that the individual's earnings in employment are consistent with the average earnings reported by employed former jobseeker's allowance claimants in DWP Research Report No. 791.

¹⁹ This estimate includes benefit savings, increases in tax revenues and national health service cost savings estimates. Benefit savings and increases in tax revenues were estimated for 2012-13 using the DWP Policy Simulation Model. National health service cost savings were estimated using the methodology outlined in DWP Working Paper No. 86.

Benefits to health and social care

Carers are essential to supporting the health and care systems; the value of unpaid carers' support is £132 billion,²⁰ the equivalent of a second NHS. Social care and health systems rely on family members and close friends to help people get to appointments, arrange care, medication, paperwork, etc.

Care and support services are vital for enabling people to juggle work and care. A third of carers say that they have given up work or reduced their hours because services are inadequate or too expensive.²¹ The care and support sector is complex and fragmented – the result is many carers find that the services they and their families need are inadequate, unaffordable or hard to access, and that information about them is difficult to find or navigate.

One of the main reasons carers give for why they gave up work or reduced their hours is a lack of suitable practical support. Almost a third (31%) of working age carers responding to a 2011 survey²² had given up work to care or reduced their working hours because support services were not flexible enough, the person they care for did not qualify for support, there were no suitable services in their area, services were too expensive or services were not reliable enough. COVID-19 has exposed the challenges faced by many families it is therefore vital that there are adequate services and that day services are restored as soon as it safe to do so.

Take-up rates of Carer's Leave are reasonable and therefore deliverable by employers

When workplace rights are proposed, concerns are sometimes expressed that this will open the floodgates for requests and this will be unmanageable for employers. This is unfounded and there are no grounds anywhere in the world to substantiate this claim. This did not occur with the right to time off for emergencies, nor with parental leave in the UK.

Sweden's generous policy for people caring at the end of life had only 15,670 claims of an average of 12 days, with 73% of claims made by women²³. Canada had just over 5,978 claims for support one year for caring for someone with a terminal illness, out of potential population of 1.5 million²⁴. Most countries with measures say that awareness of rights tends to be low – a common problem in all countries, including the UK²⁵.

The take-up rates measured by other countries demonstrate that take-up tends to be proportionate and that carers only use the leave when necessary. In the US, around 2.4% of US employees taking leave to care for a close family member in one year²⁶.

²⁰ Buckner, L. & Yeandle, S. (2015) Valuing carers: The rising value of carers' support, London: Carers UK

²¹ Carers UK, State of Caring Survey, 2013

²² Carers UK (2011) The State of Caring Survey 22% of respondents said that services were not flexible enough, 11% said the person they cared for did not qualify for local authority support, 18% said there were no suitable services locally, 20% said services were too expensive and 17% said services weren't reliable enough. 31% chose at least one of these options

²³ Yeandle, S (2017) Work-care reconciliation policy: Legislation in policy context in eight countries

²⁴ Ibid

²⁵ Ibid

²⁶ Carers UK (2013) The case for care leave: Families, work and the ageing population

Here in the UK, Centrica has measured take-up rates and the average used by carers is 3.4 days per annum of paid leave.²⁷

Impact on small employers

For smaller business the impact of staff leaving can have an even greater impact, with the loss of knowledge and skills, the time out to train someone new and recruitment costs. It makes business sense to put in place a supportive and flexible culture. For smaller firms who often know their employees and the challenges they are facing, this might be something they are already offering even if they may not be describing it as carer's leave.

Employers reactions during COVID-19 which suggest that this Government's policy is the right one

The employers we have engaged with through Employers for Carers have shown that they have had to quickly mobilise new forms of support and flexibility in order to support carers. A survey carried out by Carer Positive, an employer recognition scheme run by Carers Scotland with the support of the Scottish Government, found that several employers had introduced Carer's Leave at speed.

Global competitiveness and Carer's Leave

The evidence from other leading economies around the globe is that they have used Carer's Leave in different forms to support people to remain in the labour market. For Japan, this was critical to enable women, in particular, to remain in the labour market for longer. Introducing Carer's Leave allows companies to start to rebuilding the economy for the future that we seek.

Government recognising the importance of carers

During COVID-19 families have taken on more than ever, caring for disabled, older and ill relatives as services shut down. Many have faced exhaustion as they have tried to juggle work and caring, others have found that working from home has made a huge positive change. Others had no other choice but to be furloughed in order to provide essential care.

Carer's Leave is not a replacement for good quality care and support, but an essential part of the support mechanisms around carers.

The countries which have different forms of longer Carer's Leave, such as Germany and Japan, have already heavily invested in their care systems, but both countries added a form of Carer's Leave – recognising that there will always be gaps in the amount of care provided through or via state supported systems for paying for care. Both countries have a high ratio of older people to those of working age. The UK is now at this point relatively speaking where both those countries were when they introduced their forms of Carer's Leave. Japan has added a number of enhancements and flexibilities to their policy in the last couple of years demonstrating the need for continuous review and reform.

²⁷ <https://www.centrica.com/sustainability/carers/>

Carers UK is also calling for investment in good quality care in short term and longer term reform to allow people to build positive lives.

Carers UK view on the Carer's Leave proposal

Carers UK welcomes the proposal to introduce 5 days of Carer's Leave, but we believe this would be significantly more effective if:

- Carer's Leave was paid – ideally by Government at a rate set by Government to recompense employers.
- The Government pledged to move to two weeks (i.e., 10 days) of paid leave.
- There was also an entitlement to a longer period of unpaid leave of up to six months.

The reason why we have set out the following is because **paid** Carer's Leave has a positive effect for:

- People on low incomes - they are more likely to be able to take Carer's Leave if it is paid.
- Women and Black Asian and Minority Ethnic (BAME) carers – both groups are more likely to be unpaid carers and be on lower incomes.
- Older workers - the majority of unpaid carers are aged 45 plus.
- Parents of disabled children – as their child becomes an adult they lose important parental leave rights
- Young adult carers starting out in paid work
- Certain areas in England, Wales and Scotland e.g. particularly the North of England and post-industrial areas where caring rates tend to be higher.
- Pensions - the groups identified above, are also groups who tend to have lower pensions.

Responses to the questions set out in the consultation document

1. Have you or your employees used any of the below options to take time out of work to fulfil caring responsibilities? Please select all that apply.

- Yes, annual leave
- Yes, formal flexible working (meaning a change to contracted hours or location of work)
- Yes, time off for dependants (the statutory right to leave in emergencies)
- Yes, unpaid parental leave
- Yes, informal flexible working (such as an afternoon or morning off or occasional homeworking)
- Yes, other (such as special/compassionate leave granted by the employer)

2. Do you agree that this provides an appropriate definition of caring relationships for the purpose of Carer's Leave?

- Strongly agree

Carers UK strongly agrees that it should mirror dependant relationships under the right to time off for dependants. This would provide consistency for employers and employees, but it is also sufficiently flexible to cover many different relationships and it is

proportionate and diversity positive allowing recognition for different forms of caring relationships. As this includes “anyone who reasonably relies on someone for support” this would cover a range of non-family situations e.g. LGBT friendships and communities, refugees, etc. This also fits with employers’ experience who already have Carer’s Leave, where they do not draw tight definitions.

3. Are there other caring relationships that you think should be considered for inclusion within the scope of Carer’s Leave?

Currently we do not believe that other caring responsibilities should be included.

4. Which conditions on care need do you believe are appropriate for Carer’s Leave? Please select all which apply.

- Conditions which automatically qualify as a disability under the Equality Act 2010 (Cancer, HIV and MS), please comment
- Terminal illness, please comment
- Other,

Carers UK agrees that there should be automatic qualification under the Equality Act for disability. To improve understanding of disability, we believe examples must be given of invisible conditions such as mental illness or autism.

The consultation suggests that someone must need care for six months or more. Carers UK does not agree with this. We believe this would exclude many older people who would not qualify, people with fluctuating conditions, early onset conditions where the prognosis is not known.

Although we have stated that we consider there should be automatic qualification for people under the Equality Act, we also believe that a more flexible, shorter term definition should be made. The Equality Act defines disability as having a ‘substantial’ and ‘long term’ of 12 months or more and clearly excludes people who would need support urgently e.g., a quick first breakdown in mental health, any fluctuating condition, “unknown” outcomes such as a car accident, or someone whose support is normally low level, but without the carers’ support would be substantial. This might involve a situation where an older person e.g., aged 75 has a badly broken leg, or may have had a fall and needs rehabilitation. We do not believe that there should be a minimum time since diagnosis, conditions and caring situations can vary greatly. Carers UK therefore believes that there should be no minimum qualification of the length of time that someone has a disability or condition.

Recovery from COVID-19 is also a good example since many people with complications will need rehabilitation and support; many will be less than six months. Carers UK agrees that terminal illness must also apply e.g. families and close friends can often take turns in caring for someone at the end of life.

5. If you do not believe that any conditions about care need are appropriate, please explain why and comment on any other conditions which might be appropriate.

Carers UK believes the policy should be flexible and recognise the variety of caring conditions. It is important that any definition is able to provide support for people who have unexpected and immediate caring needs, such as a car accident or a first breakdown in mental health and cover people who have caring needs because they are older.

Most employers who have Carer's Leave policies do not define the length of time someone needs a condition. Most employers do not collect detailed information on who needs care and how long the condition will last.

6. Which qualifying period do you believe is appropriate for Carer's Leave. Please select one option. • A day one right (no qualifying period, but with appropriate notice period)

Carers UK strongly believes that the right to take Carer's Leave should be a "day one right" i.e., there should not be any qualifying period. We see this as being carer positive. Carers wanting to return to work or move jobs say that a significant barrier is knowing how carer friendly their future employer might be. The other point is that caring is unpredictable and this support may be needed in that time. There are additional costs for employers if they lose an employee in this period of time. The evidence from carers suggests that Carer's Leave would be an incentive for some who have fallen out of work to return whilst still caring – to know that they have a positive employer.

7. Do you agree with the proposed reasons for taking Carer's Leave?

• Agree

The proposed reasons for taking carers leave are:

- **Providing personal support**, such as keeping an eye out for someone, keeping them company and staying in touch.
- **Providing practical support**, such as making meals, going shopping for them, laundry, cleaning, gardening, maintenance and other help around the house.
- **Helping with official or financial matters**, such as helping with paperwork, dealing with 'officials' (also over the phone and the internet), paying bills/rents/rates, collecting pension/benefits.
- **Providing personal and/or medical care**, such as collecting prescriptions, giving medications, changing dressings, helping them move around the home, getting dressed, feeding, washing, bathing, using the toilet.
- **Making arrangements**, such as dealing with social services or the voluntary sector, moving someone into a care home, making home adjustments or adaptations.
- Caring may also involve accompanying someone to hospital, the GP, optician, dentist, chiropodist, physiotherapy, mental health assessments or other recurring appointments (such as with the bank) which usually occur during normal working hours. If such appointments are recurring and predictable, this need for flexibility might in many cases be met through flexible working.

Carers UK agrees with defining caring broadly and welcomes the Government's approach. This provides the diversity needed for caring situations. We do not have other situations to add, apart from the importance of accompanying people to appointments.

8. Are there any other reasons that you think should be included?

Carers UK believes that carers should be able to take Carer's Leave to attend appointments with the person they care for. This is beneficial for the person being cared for, and highly necessary where someone has dementia, a learning disability or

communication issues. It is also helpful for health and social care services, particularly given patient transport is so poor and unsuitable for many. For workers where flexible working is not possible, Carer's Leave is a vital provision. Our evidence from carers and employers alike is that Carer's Leave is only taken when absolutely necessary. We also have evidence that many carers are currently having to use their own annual leave, or other leave arrangements to take the person they care for to appointments.

9. Do you agree that childcare (other than where the child has a disability or other longer-term caring need) should be out of scope for Carer's Leave? • Agree

Carers UK agrees with Government that childcare, where the child does not have a disability or a long-term caring need, is out of scope for Carer's Leave.

Organisations which represent parents of non-disabled children have a range of other different measures that they wish to see implemented that we would strongly encourage Government to consider.

10. Do you agree that caring for a person with short-term care needs should be out of scope for Carer's Leave? • Disagree

Carers UK believes that some short-term caring needs must be in scope where, if the carer was not able to provide assistance, this would have a detrimental longer-term impact on a person's recovery and rehabilitation.

11. Are there any other circumstances or activities which Carer's Leave should not be taken for? No

12. Do you agree that an employee should in the first instance be able to self-certify their eligibility for Carer's Leave? • Strongly agree

Carers UK strongly agrees that employees should self-certify for Carer's Leave. This is a light touch and reasonable approach. However, when it comes to asking for whom they are providing care, or what the care need is, Carers UK believes they should only sign a general statement. This is for data protection of the person being cared for.

Most employers with carer's leave policies use self-certification. Very few details are retained about the person being cared for and care need because of data protection.

13. If you strongly agree or agree, how often do you think an employee should self-certify their eligibility for Carer's Leave? • Each time they request the leave

Carers UK also believes that the carer should self-certify each time they request Carer's Leave. This is much easier to do and remember than going back one year. It is also impossible to predict Carer's Leave going forward for a year. We would expect the self-certification to be light touch and that it would not be onerous for the carer. It is also easier than the employer asking for and gathering data retrospectively. It also gives the carer time for reflection about taking the leave when asking for it.

14. Do you agree that an employer should be able to request further evidence if they are not satisfied with the self-certification?

Carers UK agrees that an employer should be able to request additional evidence. As with the 'time off for dependants' provision we believe that the provision of evidence should not be specified but that this issue should be left open for what is likely to be the very small minority of cases where it may be reasonable for employers to request this. This provides consistency between different provisions and is reasonable for the employer and employee. In requesting any additional evidence, the employer must be reasonable and appropriate in their request, as well as being compliant with GDPR rules about holding sensitive personal information. Asking for additional evidence, we believe, would be the exception rather than the rule.

For example, it may not be possible for a carer to gain copies of their parent's appointment letters if they don't live with them, but need to support them for a hospital visit. Equally, it brings in privacy issues for those individuals needing care and employers would not be able to hold this information under GDPR unless they had the express permission of those individuals. This includes any information which would be emailed and therefore held on any employer's system. COVID-19 has shown where this system is problematic, when employers have asked employees who are furloughing due to caring for someone who is shielding to produce the shielding letter of the person they are caring for as evidence.

15. If agree or strongly agree, please describe what evidence could be provided to demonstrate: • The need for care (of the person being cared for)? • What activities the leave is used for?

As with the 'time off for dependants' provision we believe that the provision of evidence should not be specified but that this issue should be left open for what is likely to be the very small minority of cases where it may be reasonable for employers to request this.

16. Please comment on the key difficulties or challenges associated with providing and appropriately handling evidence, including data protection issues related to information about a person's health.

Carers UK strongly believes that the provisions should be light touch and based on self-certification in the first instance. This ensures that employers only have to hold minimal information on the situation or health condition of someone who is not an employee. Most employers that currently have a Carer's Leave policy retain minimal data about the person being cared for and their care needs because of data protection. There are many situations where it would be inappropriate or difficult to obtain information e.g., an employee's son is having a mental health breakdown, is at heightened suicide risk and needing urgent support. In this situation there will be no paper trail at this stage and, even if their son were to have mental health services intervention, information is often not shared with the carer in many circumstances. These are also private details for that individual experiencing ill-health.

17. Please comment on the pros and cons for employees and employers, if the leave was available to take as: • A week of unpaid leave, available to take as individual days?

Carers UK strongly believes that employees should have the right to individual days, including half days, up to a block of one week. This is necessary to make the proposal workable for carers and for employers. We find that employers prefer their employees to take what they need, rather than a block. This makes it easier to manage and does not “waste” leave or use time inefficiently.

Most employers offer individual days or half days up to a maximum e.g., week, two weeks, or more whatever their policy defines. This provides the employers and employees with the right amount of flexibility, to ensure that they are supporting people to juggle caring responsibilities and work.

Best practice employers also offer leave in blocks of hours – for example enabling a carer to take a parent or partner to a GP appointment and then arrive at work two hours later than normal. We are seeing blocks of hours used more extensively in COVID-19 to help carers manage their working day around their caring role.

For example, a person may want to take time off to install equipment to make their home more adaptable and only require a day’s leave or the person they are caring for may have had a particularly challenging period and they want to take a block of leave to focus on the care they are providing.

18. Do you agree that an individual should be required to give their employer notice ahead of taking Carer’s Leave? • Agree

Carers UK agrees there should be a limited period of notice for Carer’s Leave. This is reasonable and differentiates this leave from time off in emergencies. Some employers may decide to improve upon this and suggest that no notice is required.

19. If you strongly agree or agree, what do you think a reasonable notice period would be for a block of one week of Carer’s Leave? Please select one: • Other, please specify

Carers UK believes that the notice period should match the minimum notice periods for annual leave. This would mean double the length of time required for the time that is being taken i.e., 2 days to take one day, 1 day to take half a day and 2 weeks to take one week.

20. If you strongly agree or agree, what do you think a reasonable notice period would be for single day of Carer’s Leave? • Other, please specify Please provide reasons for your answers

Carers UK believes that the notice period should match the minimum notice periods for annual leave. This would mean double the length of time required for the time that is being taken i.e., 2 days to take one day, 1 day to take half a day and 2 weeks to take one week.

21. Please comment on how employers would manage the process for requesting and recording the leave, and any associated issues, if it was: • A week of unpaid leave, available to take as a single block? • A week of unpaid leave, available to take as individual days?

22. What benefits for employers would arise from introducing a right to unpaid Carer's Leave?

Carers UK has evidence of significant benefits associated with implementing Carer's Leave. Employers themselves lose out when carers are struggling to manage work and caring responsibilities. Businesses incur substantial costs in employee absence and workplace stress as staff try to combine work and caring, and when they give up work, businesses bear the costs of recruitment and lost productivity, often after having invested in the training and development of their employees. The peak age for caring is 45-64, which is often when workers are at their most skilled and experienced.²⁸

There is evidence that the impact of staff turnover, absence and stress as a result of juggling work and caring unsupported could be costing UK businesses over £3.5 billion every year²⁹, so there are significant savings to be made by better supporting employees to combine work and caring. Centrica has introduced carer friendly policies, including the right to paid Carer's Leave, and say this has saved the company around £1.8 million per annum in terms of preventing unplanned absences and presenteeism and a further £1.3 million per annum in retention savings.³⁰

Additional recent evidence has been published by the Chartered Institute of Personnel and Development which showed that there was a clear positive wellbeing effect where employers were carer friendly.³¹

Benefits to employers include

- Positive contribution to diversity and inclusion
- Increased productivity including lower recruitment costs, higher retention
- Increased worker loyalty and satisfaction
- Improved employee wellbeing
- Employer of choice

23. What are the most significant costs for employers which would arise from a right to unpaid Carer's Leave?

There will be a number of administrative costs associated with these measures e.g. logging certification, making arrangements, etc. However, most employers who offer Carer's Leave say that this is manageable and that the benefits far outweigh the costs. Centrica measured take-up of Carer's Leave (one month matched paid leave) showing an average of 3.4 days leave taken amongst those who applied for it. This demonstrates proportionate take-up of their policy.

²⁸ Census 2011

²⁹ www.carersuk.org/for-professionals/policy/policy-library/care-leave-impact-on-business

³⁰ <https://www.centrica.com/news/carers-uk-and-centrica-announce-new-partnership-improve-lives-carers>

³¹ A. Austin & J. Heyes (2020) Supporting Working Carers: how employers and employees can benefit, research report, CIPD/University of Sheffield

Some employers have taken used positive measures to gain insight and to have a more rounded conversation from the outset. Employers have found using a working Carers Passport to help around their paid care leave provisions useful (see www.carepassport.uk – for examples). Employers use these to take a holistic approach to supporting employees and implementing the most appropriate measures looking at leave arrangements, flexibility, adjustments, etc.